

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ONONDAGA

RICHARD LAING

Plaintiff(s),

*-against-*ROMAN CATHOLIC DIOCESE OF SYRACUSE, NEW  
YORK, AND EDWARD C. MADORE

Defendant(s).

Index No.

*Summons*

Date Index No. Purchased:

To the above named Defendant(s)

Roman Catholic Diocese of Syracuse, New York, 240 East Onondaga Street, Syracuse, New York 13202  
Edward C. Madore, 310 Cottage Street, Rome, NY 13440

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is Defendants' principal place of business,  
which is in Onondaga County

Dated: August 14, 2019

Seeger Weiss LLP

by 

Stephen A. Weiss

Attorneys for Plaintiff

77 Water Street, 8th Floor  
New York, NY 10005  
Phone: (212) 584-0700  
Fax: (212) 584-0799

Stephen A. Weiss (NY ID# 2413342)  
Christopher A. Seeger (NY ID# 2425304)  
Rick Barreca (NY ID# 2972735)  
SEEGER WEISS LLP  
77 Water Street, 8th Floor  
New York, NY 10005  
Phone: 212-584-0700  
Fax: 212-584-0799  
[sweiss@seegerweiss.com](mailto:sweiss@seegerweiss.com)  
[cseeger@seegerweiss.com](mailto:cseeger@seegerweiss.com)  
[rbarreca@seegerweiss.com](mailto:rbarreca@seegerweiss.com)

Gerald J. Williams (NY ID #5620695)  
Shauna L. Friedman (NY ID#5609755)  
WILLIAMS CEDAR, LLC  
1515 Market Street, Suite 1300  
Philadelphia, Pennsylvania 19102-1931  
Phone: 215.557.0099  
Fax: 215.557.0673  
[gwilliams@williamscedar.com](mailto:gwilliams@williamscedar.com)  
[sfriedman@williamscedar.com](mailto:sfriedman@williamscedar.com)

**Application to New York Bar Pending:**

Michelle Simpson Tuegel  
SEEGER WEISS LLP  
77 Water Street, 8th Floor  
New York, NY 10005  
Phone: 212-584-0700  
Fax: 212-584-0799  
[MSimpson-Tuegel@seegerweiss.com](mailto:MSimpson-Tuegel@seegerweiss.com)

Muhammad S. Aziz  
ABRAHAM, WATKINS, NICHOLS,  
SORRELS, AGOSTO & AZIZ  
800 Commerce Street  
Houston, Texas 77002-1776  
Phone: 713-222-7211  
Fax: 713-225-0827  
[maziz@awtxlaw.com](mailto:maziz@awtxlaw.com)

***Pro Hac Vice Application to be Filed:***

Beth G. Cole  
WILLIAMS CEDAR, LLC  
1515 Market Street, Suite 1300  
Philadelphia, Pennsylvania 19102-1931  
Phone: 215.557.0099  
Fax: 215.557.0673  
[bcole@williamscedar.com](mailto:bcole@williamscedar.com)

***Attorneys for Plaintiff***

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ONANDAGA

-----

RICHARD LAING,

Index No. \_\_\_\_\_

Plaintiff,

-against-

**COMPLAINT**

ROMAN CATHOLIC DIOCESE OF  
SYRACUSE, NEW YORK, AND  
EDWARD C. MADORE,

Defendants.

-----

**JURY TRIAL DEMANDED**

Plaintiff, Richard Laing, by and through the undersigned attorneys, complains of Roman Catholic Diocese of Syracuse, New York and Edward (Ted) C. Madore, and alleges, on personal knowledge as to himself and on information and belief as to all other matters, as follows:

**PARTIES**

1. Plaintiff Richard Laing is a fifty-year old resident of California. Plaintiff was approximately eight years old at the time that the sexual abuse alleged herein began.

2. Defendant Roman Catholic Diocese of Syracuse, New York a/k/a Diocese of Syracuse (“the Diocese”) was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of New York with its principal place of business at 240 East Onondaga Street in Syracuse, New York.

**JURISDICTION AND VENUE**

3. Defendant Edward C. Madore, a/k/a Ted Madore [“Madore”] currently resides and may be served with process at 310 Cottage Street Rome, New York 13440. At all times material hereto, Madore was an ordained priest serving under the auspices and direction of the Diocese.

4. This Court has personal jurisdiction over Defendants pursuant to CPLR §§301 and 302, in that each Defendants resides in New York or plaintiff's claims arise from the tortious acts of Defendants that were committed in the State of New York.

5. The Court has jurisdiction over this action because the amount of damages plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

6. Venue is proper in County of Onandaga under CPLR §503 because at least one of the parties to this suit resides in this county at the time this suit was commenced.

7. The federal courts lack jurisdiction over this suit. Plaintiff's claim raises no federal question nor does plaintiff seek relief under a federal law, statute, regulation, treaty, or the United States Constitution. Accordingly, plaintiff's right to relief does not depend on the resolution of a substantial question of federal law. Further, this lawsuit cannot be removed because there is no complete diversity, as at least one Defendant resides in or has their principal place of business in New York. Therefore, removal would be improper.

### **FACTS**

8. Madore was ordained as a priest in 1973. At all times material hereto, he served as a priest within the Diocese at St. Catherine of Siena Church in Binghamton, New York ("the parish"), which is now closed.

9. Madore sexually assaulted plaintiff when he was a minor, a parishioner at St. Catherine of Siena, and an altar boy.

10. Plaintiff became an altar boy in approximately 1976, when he was in the third grade and approximately eight years old.

11. By virtue of his position as an assistant pastor, Madore had frequent contact with and supervisory authority over the altar boys of the parish, including Plaintiff.

12. Madore's abuse of Plaintiff began shortly after he became an altar boy, was frequent and persistent, and carried out for more than two years in multiple locations, including but not limited to the area behind the church's sacristy where plaintiff and other altar boys prepared to assist at Masses and other rituals at which Madore officiated.

13. During the years he abused plaintiff, Madore repeatedly touched him inappropriately, fondling his genitals for prolonged periods, until he perceived Plaintiff to be sexually aroused.

14. Plaintiff feared disclosing the facts of his abuse to his family in fear of disrupting their devotion to the Catholic faith and, as a child, he was convinced that any complaints against an authority figure in the position of Madore would be disbelieved.

15. Madore abused multiple other children during the same period in which he molested plaintiff. On information and belief, one of them eventually informed his parents, who complained to the parish pastor and/or the Diocese.

16. Despite its resultant knowledge of Madore's misconduct, the Diocese failed to discipline or remove him from active ministry, investigate the complaints against him properly or in any depth whatsoever, or warn other congregants regarding Madore.

17. Instead, in keeping with a long-standing policy, the Diocese simply transferred Madore to another parish with the intent of concealing his past misconduct and in the vain hope that he would not repeat his misconduct elsewhere.

18. When the Diocese finally acknowledged, sometime many years after Madore's misconduct at St. Catherine of Siena, that the allegations against him were credible, Madore was "laicized" and removed from the priesthood.

19. Even then, it was not until December 2018, when the Diocese published a list of priests against whom credible allegations of sexual misconduct had been made, that the Diocese publicly identified Madore as an abuser of children.

20. The Diocese's delay in divulging information regarding Madore and other priests confirmed as abusers of children was consciously intended by it to impede the ability of survivors in the position of plaintiff Laing to make their stories public and obtain any legal remedy. It caused a prolongation and exacerbation of the emotional distress suffered by plaintiff and other survivors suffered as a result of their abuse by Madore and other pedophilic priests of the Diocese.

### **CAUSES OF ACTION AGAINST DEFENDANT MADORE**

#### **A. ASSAULT**

21. Plaintiff incorporates herein by reference each and every allegation set forth in paragraphs 8 through 20, as if fully set forth herein.

22. Madore's abuse of plaintiff placed plaintiff in imminent apprehension of harmful contact, was committed intentionally and in wanton disregard for the health and/or safety of plaintiff and is a tortious assault under the law of New York

23. Said assault was a proximate cause of the harms and damages suffered by plaintiff, as alleged herein.

#### **B. BATTERY**

24. Plaintiff incorporates herein by reference each and every allegation in paragraphs 8 through 23, as if fully set forth herein.

25. Madore's uninvited and offensive touching of plaintiff constituted a tortious battery, committed intentionally and in wanton disregard for plaintiff's health and safety.

26. Said battery was a proximate cause of the harms and damages suffered by plaintiff, as alleged herein.

**C. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

27. Plaintiff incorporates herein by reference each and every allegation in paragraph 8 through 26, as if fully set forth herein.

28. Madore's misconduct toward plaintiff was extreme and outrageous. The damage that such conduct would cause plaintiff was intended by Madore, or Madore disregarded a substantial likelihood of the damage such conduct caused.

29. As a foreseeable, direct, and proximate result of Madore's actions, plaintiff suffered, and continues to suffer severe emotional distress.

**CAUSES OF ACTION AGAINST ROMAN CATHOLIC DIOCESE OF SYRACUSE,  
NEW YORK**

**D. VICARIOUS LIABILITY/*RESPONDEAT SUPERIOR***

30. Plaintiff incorporates each and every allegation set forth in paragraphs 8 through 29 as if fully set forth herein.

31. Plaintiff affirmatively pleads that any alleged tortious acts of Madore were committed while he was acting in the course and scope of his employment with the Diocese, or while he was acting as an agent or on behalf of the Diocese, and are thus imputed to the Diocese under a legal theory of *respondeat superior*.

**E. NEGLIGENCE**

32. Plaintiff incorporates each and every allegation set forth in paragraphs 8 through 31 as if fully set forth herein.

33. The Diocese held itself out as providing safe places for religious worship, spiritual development and growth, learning and education, or engaging in youth and/or community



activities. The Diocese had adopted, and/or assumed an express and/or implied duty to provide a reasonably safe environment for plaintiff and assumed the duty to protect and care for him.

34. The Diocese owed a duty of care to all minor persons, including plaintiff, who were likely to come within the influence or supervision of Madore, in his role as teacher, priest, counselor, trustee, director, officer, employee, agent, servant and/or volunteer.

35. The Diocese breached its duties of care in one or more ways acting at all material times through the acts and omissions of its employees and officials, all of whom acted within the course and scope of their employment and/or authority:

- a. Negligently hiring Madore as it knew or should have known that Madore posed a threat of sexual abuse to children;
- b. Negligently retaining Madore as it knew or should have known that Madore posed a threat of sexual abuse to children;
- c. Negligently directing Madore as it knew or should have known that Madore posed a threat of sexual abuse to children;
- d. Negligently supervising Madore as it knew or should have known that Madore posed a threat of sexual abuse to children;
- e. Failing to investigate the background of Madore before placing him into close contact with plaintiff and other children;
- f. "Covering up" or otherwise failing to disclose the harmful acts of Madore;
- g. Failing to warn plaintiff, his parents and/or legal guardians of Madore's conduct despite having constructive knowledge of his sexually abusive misconduct;
- h. Failing to warn plaintiff, his parents and/or guardians of Madore's conduct despite having actual knowledge of sexually abusive misconduct;
- i. Assigning or allowing Madore to have contact with plaintiff despite having constructive and/or actual knowledge of sexually abusive misconduct;
- j. Minimizing, ignoring or excusing priestly misconduct over a period of decades;
- k. Failing to provide a safe environment to children and other parishioners within the churches, sacristies, schools and rectories operated and/or owned by the Diocese;

- l. Failing to train priests and Diocesan employees to identify signs of child molestation by fellow employees;
- m. Failing to implement and maintain effective policies and procedures to prevent sexual abuse and abuse of children;
- n. Failing to investigate complaints of abuse properly;
- o. Failing to report Madore's sexual abuse to appropriate law enforcement agencies; and
- p. Failing to exercise due care under the circumstances.

36. As a foreseeable, direct, and proximate result of the Diocese's negligence, plaintiff has suffered and will continue to suffer the injuries described herein.

#### **F. GROSS NEGLIGENCE**

37. Plaintiff incorporates each and every allegation set forth in paragraphs 8 through 36 as if fully set forth herein.

38. The Diocese's acts and omissions, as previously described, were committed with complete and reckless disregard for, and with willful, wanton, and actual conscious indifference to, the rights, safety, and welfare of plaintiff and the general public. The nature of the Diocese's acts and omissions were of such a nature as to constitute gross negligence and malice. Specifically, the Diocese undertook a continuous course of action in the form of conscious decisions, with subjective knowledge and awareness of the risks and hazards presented by each decision as discussed above and incorporated herein, to expose plaintiff and others to sexual abuse and/or sexual assault, and exercised not even slight care or diligence. When viewed objectively from the standpoint of the Diocese at the time of their occurrence, said acts and omissions involved reckless disregard of or indifference to an extreme degree of physical, mental, and psychological risk and danger, considering the probability and the magnitude of the potential harm to others. The Diocese

committed various acts and omissions constituting gross negligence, as outlined above. Such gross negligence was a foreseeable, direct, and proximate cause of the occurrence and plaintiff's injuries and damages.

#### **G. BREACH OF FIDUCIARY DUTY**

39. Plaintiff incorporates each and every allegation set forth in paragraphs 8 through 38 as if fully set forth herein.

40. There is a fiduciary relationship between plaintiff and the Diocese. This relationship is based on the fact that plaintiff trusted his physical, mental, psychological, and spiritual care to the priests, officers, directors, officials, employees, volunteers, servants, and/or all those acting as agents of the Diocese or on its behalf, who held themselves out as beholden to a spiritual and interpersonal duty to provide advice, benefit, and guidance to plaintiff.

41. Because of this fiduciary relationship, the Diocese was required and had a duty to act in the best interests of plaintiff and to protect him while he was a minor child.

42. The Diocese breached its fiduciary duty to plaintiff, through its above – described culpable acts and omissions.

43. As a foreseeable, direct, and proximate result of the Diocese's breach of fiduciary duty, plaintiff has suffered and will continue to suffer the injuries described herein.

#### **H. BREACH OF NON-DELEGABLE DUTY**

44. Plaintiff incorporates each and every allegation set forth in paragraphs 8 through 43 as if fully set forth herein.

45. When plaintiff was a minor, he was placed into the care of the Diocese for the purpose of providing plaintiff with a safe environment in which to receive and education and/or participate in religious worship, spiritual development, and community service. Because the

Diocese was entrusted with the care of plaintiff while he was a minor child, there existed a non-delegable duty of care that ran from the Diocese to plaintiff.

46. Since plaintiff was a minor child at the time, the Diocese was in the best position to prevent the abuse that plaintiff suffered at the hands of Madore, and/or stop such abuse when it learned of it.

47. The Diocese failed to prevent the abuse and harm plaintiff suffered, and/or failed to stop it once it was aware of or should have been aware of the abuse. This failure was a breach of the Diocese's non-delegable duty to plaintiff.

48. As a foreseeable, direct, and proximate result of this breach, plaintiff suffered significant injuries and long-lasting damages, as alleged herein.

**I. NEGLIGENCE INFLICTION OF EMOTIONAL DISTRESS**

49. Plaintiff incorporates each and every allegation set forth in paragraphs 8 through 48 as if fully set forth herein.

50. As described above, the Diocese owed plaintiff various duties, which the Diocese negligently breached. The Diocese's negligence unreasonably endangered plaintiff and caused him to fear for his safety.

51. As a direct result of the Diocese's negligence, plaintiff suffered severe injuries, including but not limited to mental and emotional distress, all of which are or may be permanent, and have required plaintiff to incur significant expenses in an effort to abate them through mental health treatment, counseling and other necessary treatment.

**J. BREACH OF DUTY *IN LOCO PARENTIS***

52. Plaintiff incorporates each and every allegation set forth in paragraphs 8 through 51 as if fully set forth herein.

53. While he was a minor, plaintiff was entrusted by his parents to the control of the Diocese for the purpose of providing plaintiff an education and spiritual development.

54. During the times that plaintiff was present within the parish for spiritual development, or in the charge of Madore, he was effectively under the control and supervision of the Diocese. These Defendants owed a duty to plaintiff to act *in loco parentis* and to prevent foreseeable injuries.

55. The Diocese breached its duty to act *in loco parentis*. As a foreseeable, direct, and proximate result of its breach of duty, plaintiff suffered injuries and damages as set forth herein.

#### **K. FRAUDULENT CONCEALMENT**

56. Plaintiff incorporates each and every allegation set forth in paragraphs 8 through 55 as if fully set forth herein.

57. For many years after plaintiff's abuse at the hands of Madore, the Diocese engaged in a conscious, deliberate plan to conceal the abuse, including but not limited to:

- a. Concealing from the public the sexual abuse committed by Madore;
- b. Concealing the identities of Madore;
- c. Concealing from appropriate law enforcement officials the sexual abuse committed by Madore against plaintiff and/or other minors; and
- d. Impeding or otherwise preventing plaintiff and other victims from pursuing legal action against the Diocese.

58. The Diocese had a duty to disclose the information it concealed in Paragraph 57, and its concealment therefore amounted to a misrepresentation.

59. The Diocese concealed this information with fraudulent intent, with the goal of inducing reliance.

60. Plaintiff, and others, justifiably relied upon the Diocese's concealment of the material information.

61. As a foreseeable, direct, and proximate result of the Diocese's concealment, plaintiff suffered significant injuries, as alleged hereinabove.

### **DAMAGES**

62. Plaintiff seeks compensation for the following damages that resulted from this incident including, but not limited to:

- a. Past emotional distress and mental anguish that plaintiff has suffered, and that he will, in all probability, suffer in the future, including but not limited to:
  - i) his loss of religious faith and the comfort derived from it;
  - ii) disruption of his relationship with his parents and family, due in material part to his being compelled to hide the truth from them;
  - iii) disruption of his sexual development and difficulty finding his sexual identity;
  - iv) negative effects in his ability to maintain social and intimate relationships, with a related loss in his ability to trust others or feel safe and secure.
  - v) clinical depression
- b. Past physical pain and suffering of plaintiff, and that he will, in all probability, suffer in the future;
- c. The medical expenses that plaintiff has incurred in the past and will, in all probability continue to incur in the future;
- d. Past and future lost wages;
- e. Loss of earning capacity;
- f. Cost of suit, plus such interest and attorney's fees as are allowed by law;
- g. Exemplary damages; and

- h. Any and all other damages to which plaintiff may be justly entitled, and/or other relief that the Court finds just and equitable.

**PRESERVATION OF EVIDENCE**

63. Plaintiff hereby requests and demand that Defendants preserve and maintain all evidence pertaining to any claim or defense related to the incident made the basis of this lawsuit, or the damages resulting therefrom, including photographs; videotapes, audiotapes; recordings; business records; medical records; billing records; estimates; invoices; checks; correspondence; memoranda; files; facsimiles; e-mails; voicemails; text messages; investigations; cellular telephone records; calendar entries; and any electronic image, data, or information related to plaintiff, the references incident, or any damages resulting therefrom. Failure to maintain such items will constitute spoliation of the evidence.

**JURY DEMAND**

64. Plaintiff demands a trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

65. **WHEREFORE** Plaintiff prays that Defendants be cited in terms of law to appear and answer herein, that upon final trial and hearing hereof, that plaintiff recovers damages from Defendant in accordance with the evidence; that plaintiff recovers costs of court herein expended; that plaintiff recovers interest to which plaintiff is justly entitled under law, both prejudgment and post-judgment; that plaintiff recovers actual damages; that plaintiff recovers compensatory damages; that plaintiff recovers exemplary damages; and for such other further relief, both general and special, both in law and in equity, to which plaintiff may be justly entitled.

Respectfully submitted,



Stephen A. Weiss (NY ID# 2413342)  
Christopher A. Seeger (NY ID# 2425304)  
Rick Barreca (NY ID# 2972735)  
SEEGER WEISS LLP  
77 Water Street, 8th Floor  
New York, NY 10005  
Phone: 212-584-0700  
Fax: 212-584-0799  
[sweiss@seegerweiss.com](mailto:sweiss@seegerweiss.com)  
[cseeger@seegerweiss.com](mailto:cseeger@seegerweiss.com)  
[rbarreca@seegerweiss.com](mailto:rbarreca@seegerweiss.com)

Gerald J. Williams (NY ID #5620695)  
Shauna L. Friedman (NY ID#5609755)  
WILLIAMS CEDAR, LLC  
1515 Market Street, Suite 1300  
Philadelphia, Pennsylvania 19102-1931  
Phone: 215.557.0099  
Fax: 215.557.0673  
[gwilliams@williamscedar.com](mailto:gwilliams@williamscedar.com)  
[sfriedman@williamscedar.com](mailto:sfriedman@williamscedar.com)

**Application to New York Bar Pending:**

Michelle Simpson Tuegel  
SEEGER WEISS LLP  
77 Water Street, 8th Floor  
New York, NY 10005  
Phone: 212-584-0700  
Fax: 212-584-0799  
[MSimpson-Tuegel@seegerweiss.com](mailto:MSimpson-Tuegel@seegerweiss.com)

Muhammad S. Aziz  
ABRAHAM, WATKINS, NICHOLS,  
SORRELS, AGOSTO & AZIZ  
800 Commerce Street  
Houston, Texas 77002-1776  
Phone: 713-222-7211  
Fax: 713-225-0827  
[maziz@awtxlaw.com](mailto:maziz@awtxlaw.com)



***Pro Hac Vice Application to be Filed:***

Beth G. Cole  
WILLIAMS CEDAR, LLC  
1515 Market Street, Suite 1300  
Philadelphia, Pennsylvania 19102-1931  
Phone: 215.557.0099  
Fax: 215.557.0673  
[bcole@williamscedar.com](mailto:bcole@williamscedar.com)

***Attorneys for Plaintiff***